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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Patent-ch@btlaw.com

Office Action Summary	Application No. 09/878,874	Applicant(s) MCCORMACK ET AL.
	Examiner HARESH N. PATEL	Art Unit 2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

Status

- 1) Responsive to communication(s) filed on 23 October 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8,10,11,19-21,25 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7,10,11,19-21,25,27,29 and 30 is/are rejected.
- 7) Claim(s) 8 and 28 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/898)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Inventory of Patent Application
 6) Other: _____

DETAILED ACTION

1. Claims 1-8, 10, 11, 19-21, 25 and 27-30 are subject to examination. Claims 8 and 28 are allowable but objected to.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Drozdzewicz et al. 2002/0091769 (Hereinafter Drozdzewics).

4. Referring to claim 1, Drozdzewics clearly discloses a method of establishing a telephone call over a communications network between a call source and one of a plurality of call destinations using a web based telephony application hosted by a web server (e.g., usage of conferencing method, title, page 1), said method comprising the steps of: (i) receiving at the web server a uniform resource identifier (URI) comprising information about the plurality of call destinations and time ranges associated with said plurality of call destinations (e.g., usage of web server, conferencing system, URL, internet, page 1); (ii) arranging the web based telephony application to access the URI in response to a call event to compare a current time with the

associated time ranges to select an appropriate one of the plurality of call destinations according to the time comparison and to instruct a telephony apparatus in the communications system to establish said call to said selected one of the plurality of call destinations (e.g., usage of web server, conferencing system, URL, internet, page 1).

5. Referring to claim 11, Drozdzewics clearly discloses a web-based telephony application for establishing a telephone call over a communications network between a source and one of a plurality of call destinations, said web-based telephony application being hosted by a web server (e.g., usage of web server, conferencing system, URL, internet, page 1), the web-based telephony application comprising: (i) an input arranged to receive a uniform resource identifier (URI) comprising information about the plurality of call destinations and time ranges associated with said plurality of call destinations (e.g., usage of web server, conferencing system, URL, internet, page 1); and (ii) a computer program arranged to access the URI and in response to a call event to compare a current time with the associated time ranges to select an appropriate one of the plurality of call destinations according to the time comparison and to instruct a telephony apparatus in the communications system to establish said call to said selected one of the plurality of call destinations (e.g., usage of web server, conferencing system, URL, internet, page 1).

6. Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Jonsson 6,272,214 (Hereinafter Jonsson).

7. Referring to claim 1, Jonsson clearly discloses a method of establishing a telephone call over a communications network between a call source and one of a plurality of call destinations

using a web based telephony application hosted by a web server (e.g., usage of conferencing method, cols. 3, 4), said method comprising the steps of: (i) receiving at the web server a uniform resource identifier (URI) comprising information about the plurality of call destinations and time ranges associated with said plurality of call destinations (e.g., usage of web server, conference service node , URL, internet, col., 3, 4); (ii) arranging the web based telephony application to access the URI in response to a call event to compare a current time with the associated time ranges to select an appropriate one of the plurality of call destinations according to the time comparison and to instruct a telephony apparatus in the communications system to establish said call to said selected one of the plurality of call destinations (e.g., usage of web server, conference service node , URL, internet, col., 3, 4).

8. Referring to claim 11, Jonsson clearly discloses a web-based telephony application for establishing a telephone call over a communications network between a source and one of a plurality of call destinations, said web-based telephony application being hosted by a web server (e.g., usage of web server, conference service node , URL, internet, col., 3, 4), the web-based telephony application comprising: (i) an input arranged to receive a uniform resource identifier (URI) comprising information about the plurality of call destinations and time ranges associated with said plurality of call destinations (e.g., usage of web server, conference service node , URL, internet, col., 3, 4); and (ii) a computer program arranged to access the URI and in response to a call event to compare a current time with the associated time ranges to select an appropriate one of the plurality of call destinations according to the time comparison and to instruct a telephony apparatus in the communications system to establish said call to said selected one of the plurality

of call destinations (e.g., usage of web server, conference service node , URL, internet, col., 3, 4).

9. Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Doganata 6,798,753 (Hereinafter Doganata).

10. Referring to claim 1, Doganata clearly discloses a method of establishing a telephone call over a communications network between a call source and one of a plurality of call destinations using a web based telephony application hosted by a web server (e.g., usage of conferencing method, cols. 3), said method comprising the steps of: (i) receiving at the web server a uniform resource identifier (URI) comprising information about the plurality of call destinations and time ranges associated with said plurality of call destinations (e.g., usage of web server, conference scheduling device , URL, internet, col., 3, 4); (ii) arranging the web based telephony application to access the URI in response to a call event to compare a current time with the associated time ranges to select an appropriate one of the plurality of call destinations according to the time comparison and to instruct a telephony apparatus in the communications system to establish said call to said selected one of the plurality of call destinations (e.g., usage of web server, conference scheduling device , URL, internet, col., 3, 4).

11. Referring to claim 11, Doganata clearly discloses a web-based telephony application for establishing a telephone call over a communications network between a source and one of a plurality of call destinations, said web-based telephony application being hosted by a web server (e.g., usage of web server, conference scheduling device , URL, internet, col., 3, 4), the web-

based telephony application comprising: (i) an input arranged to receive a uniform resource identifier (URI) comprising information about the plurality of call destinations and time ranges associated with said plurality of call destinations (e.g., usage of web server, conference scheduling device , URL, internet, col., 3, 4); and (ii) a computer program arranged to access the URI and in response to a call event to compare a current time with the associated time ranges to select an appropriate one of the plurality of call destinations according to the time comparison and to instruct a telephony apparatus in the communications system to establish said call to said selected one of the plurality of call destinations (e.g., usage of web server, conference scheduling device , URL, internet, col., 3, 4).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-3, 11, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Summers et al., 6,876,734, eMeeting.net Inc., (Hereinafter Summers-eMeeting) in view of Linden et al., 6,549,773, Nokia Mobile Phones Limited (Hereinafter Linden-Nokia).

14. Referring to claim 1, Summers-eMeeting discloses a method of establishing a telephone call over a communications network between a call source and one of a plurality of call destinations using a web based telephony application hosted by a web server (e.g., col., 3, lines 27 – 54), said method comprising the steps of: (i) receiving at the web server a request

comprising information about the plurality of call destinations and time ranges associated with said plurality of call destinations (e.g., col., 3, lines 27 – 54); (ii) arranging the web based telephony application to access the request in response to a call event to compare a current time with the associated time ranges (e.g., col., 4, lines 31 – 62) to select an appropriate one of the plurality of call destinations according to the time comparison (e.g., col., 4, lines 31 – 62)and to instruct a telephony apparatus in the communications system to establish said call to said selected one of the plurality of call destinations (e.g., col., 4, lines 31 – 62).

Summers-eMeeting also discloses usage of HTML, web setup, web pages, forms, e-mail, and other suitable information for a user to setup and/or progress the conference (col., 5, lines 17 – 23).

However, Summers-eMeeting does not specifically mention about the request being a uniform resource identifier (URI).

Linden-Nokia discloses a well-known concept of using the uniform resource identifier (URI) (usage of URI for identifying information for the request, abstract, lines 7 - 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Summers-eMeeting with the teachings of Linden-Nokia in order to facilitate usage of the uniform resource identifier (URI) because the URI would enhance representing information for the request. Since, the URI contains a character string that is used to identify an item from anywhere on the Internet, the URI would support identifying the information presented by the Summers-eMeeting's request. Using the URI, the information of the Summers-eMeeting's request would be communicated to the server over the network.

15. Referring to claim 2, Summers-eMeeting and Linden-Nokia disclose the claimed limitations rejected under claim 1. Summers-eMeeting also discloses said step (i) comprises receiving the request (setting up a conference, col., 5, lines 36 – 39, participating through telephone and/or participating through Internet, item 230 of figure 6) from another entity (IP address of the another user to be joined, col., 5, lines 17 – 23) selected from a web site (usage of HTML, web setup, web pages, forms, col., 5, lines 17 – 23, usage of Internet-enabled interface, web setup software and web browser, col., 6, lines 10 - 12) and a software application on a user terminal (conference control software, web setup software, web monitoring software on a user computer, col., 5, line 57 – col., 6, line 12).

16. Referring to claim 3, Summers-eMeeting and Linden-Nokia disclose the claimed limitations rejected under claim 1. Summers-eMeeting also discloses said step (i) comprises receiving the request (setting up a conference, col., 5, lines 36 – 39, participating through telephone and/or participating through Internet, item 230 of figure 6) from a web-based conference call booking application (conference control software, web setup software, web monitoring software on a user computer for setting up the conference, col., 5, line 57 – col., 6, line 12).

17. Referring to claim 11, Summers-eMeeting discloses a web-based telephony application for establishing a telephone call over a communications network between a source and one of a plurality of call destinations, said web-based telephony application being hosted by a web server (e.g., col., 3, lines 27 – 54), the web-based telephony application comprising: (i) an input

arranged to receive a request comprising information about the plurality of call destinations and time ranges associated with said plurality of call destinations (e.g., col., 3, lines 27 – 54); and (ii) a computer program arranged to access the request and in response to a call event to compare a current time with the associated time ranges to select an appropriate one of the plurality of call destinations according to the time comparison and to instruct a telephony apparatus in the communications system to establish said call to said selected one of the plurality of call destinations (e.g., col., 4, lines 31 – 62).

However, Summers-eMeeting does not specifically mention about the request being a uniform resource identifier (URI).

Linden-Nokia discloses a well-known concept of using the uniform resource identifier (URI) (usage of URI for identifying information for the request, abstract, lines 7 - 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Summers-eMeeting with the teachings of Linden-Nokia in order to facilitate usage of the uniform resource identifier (URI) because the URI would enhance representing information for the request. Since, the URI contains a character string that is used to identify an item from anywhere on the Internet, the URI would support identifying the information presented by the Summers-eMeeting's request. Using the URI, the information of the Summers-eMeeting's request would be communicated to the server over the network.

18. Referring to claim 19, Summers-eMeeting and Linden-Nokia disclose the claimed limitations rejected under claim 11. Summers-eMeeting also discloses a web-browser (usage of HTML, web setup, web pages, forms, col., 5, lines 17 – 23, usage of Internet-enabled interface,

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web setup software and web browser, col., 6, lines 10 - 12) which is arranged to receive a plurality of requests (one or more conferences, col., 2, lines 38 – 39), each comprising time information (start date and time, stop date and time, duration, col., 4, lines 58 – 62), and to select one of the plurality of requests (conference request, col., 2, lines 38 – 39) on the basis of the time information in said requests (scheduled start date and time of the conference to take place of the conferences, col., 4, lines 58 – 62, figure 5, item 202) arranged to receive said URI comprising said information about the plurality of call destinations and time ranges associated with said plurality of call destinations (e.g., , col., 4, lines 28 – 65).

19. Claims 4 and 21are rejected under 35 U.S.C. 103(a) as being unpatentable over Summers-eMeeting in view of Linden-Nokia and in further view of Higgins et al., U. S. Publication 2002/0116505, Sun Microsystems (Hereinafter Higgins-Sun).

20. Referring to claim 4, Summers-eMeeting and Linden-Nokia disclose the claimed limitations rejected under claim 1. Summers-eMeeting also discloses said step (i) comprises receiving the request (setting up a conference, col., 5, lines 36 – 39, participating through telephone and/or participating through Internet, item 230 of figure 6) from an application (conference control software, web setup software, web monitoring software on a user computer for setting up the conference, col., 5, line 57 – col., 6, line 12) on a user terminal (on a user computer, col., 5, line 57 – col., 6, line 12) a processor (processor of web server / file server, col., 5, lines 19-20), which is connected to the communications network (coupled to the network, col., 4, lines 16-19) such that requests are created (usage of HTML, web setup, web pages, forms,

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col., 5, lines 17 – 23, usage of Internet-enabled interface, web setup software and web browser, col., 6, lines 10 - 12) which comprise time information (start date and time, stop date and time, duration, col., 4, lines 58 – 62), and sent to other entities (col., 3) in within an internet protocol telephony communications network (telephone network and/or public network and/or private network, or both, col., 3, lines 47 – 54) for the purposes of establishing a telephony call (setup of a telephone call, col., 4, lines 30-39). However, Summers-eMeeting and Linden-Nokia do not disclose the application being a calendar application and the plurality of call destinations comprise a plurality of telephony enabled devices belonging to a single user.

Higgins-Sun discloses a well-known concept of using a calendar application and the plurality of call destinations comprise a plurality of telephony enabled devices belonging to a single user (paragraph 50, page 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Summers-eMeeting and Linden-Nokia with the teachings of Higgins-Sun in order to facilitate usage of the plurality of call destinations belonging to a single user and calendar application because the calendar application would enhance organizing information that is further used for scheduling. The calendar application would support handling information that would be used in the request and communicated to the server over the network. The plurality of call destinations would be utilized to communicate devices belonging to a user for conference setup.

21. Claims 5, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Summers-eMeeting in view of Linden-Nokia and in further view of Lippert et al., 6,626,957, Microsoft Corporation (Hereinafter Lippert-Microsoft).

22. Referring to claim 5, Summers-eMeeting and Linden-Nokia disclose the claimed limitations rejected under claim 1. Summers-eMeeting also discloses said request comprises time information (time information, col., 4, lines 58 – 62, figure 5, item 202). However, Summers-eMeeting and Linden-Nokia do not disclose the time information being time zone information.

Higgins-Sun discloses a well-known concept of using a time zone information (usage of a URI along with time zone information, col., 13, lines 25 - 32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Summers-eMeeting and Linden-Nokia with the teachings of Lippert-Microsoft in order to facilitate usage of the time zone information because the time zone information would provide local time variations along with the time information that is used for scheduling. The local time variations along with the time information would be communicated to the server over the network and used to setup a conference in future.

23. Referring to claims 25 and 27, Summers-eMeeting and Linden-Nokia disclose the claimed limitations rejected under claim 11. Summers-eMeeting also discloses the request includes address information (conference IP address, col., 4, lines 58 – 62, figure 5, item 226), password information (password or authentication information, col., 12, lines 61 – 66, figure 5, item 230), protocol information (Internet protocol, col., 4, lines 58 – 62), time information (time

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information, col., 4, lines 58 – 62, figure 5, item 202) wherein said call event comprises receiving an incoming call (col., 4, lines 58 – 62) and said web based telephony application is arranged to instruct said telephony apparatus to redirect said call to said selected one of the plurality of call destinations (col., 4, lines 58 – 62). However, Summers-eMeeting and Linden-Nokia do not disclose the time information being time zone information.

Higgins-Sun discloses a well-known concept of using a time zone information (usage of a URI along with time zone information, col., 13, lines 25 - 32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Summers-eMeeting and Linden-Nokia with the teachings of Lippert-Microsoft in order to facilitate usage of the time zone information because the time zone information would provide local time variations along with the time information that is used for scheduling. The local time variations along with the time information would be communicated to the server over the network and used to setup a conference in future.

24. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Summers-eMeeting in view of Linden-Nokia and in further view of Voit et al., 6,215,790, Bell Atlantic, (Hereinafter Voit-Bell Atlantic).

25. Referring to claim 6, Summers-eMeeting and Linden-Nokia disclose the claimed limitations rejected under claim 1. Summers-eMeeting also discloses said information about the call destination comprises a number (information about other anticipated caller of the conference, col., 4, lines 57 – 66). However, Summers-eMeeting and Linden-Nokia do not

disclose the number being directory number and a respective directory number (DN) for each of said plurality of call destinations,

Voit-Bell Atlantic discloses a well-known concept of using a directory number (DN) and information about the plurality of call destinations comprises a respective directory number (DN) for each of said plurality of call destinations (usage of destination directory number, col., 7, lines 47 - 59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Summers-eMeeting and Linden-Nokia with the teachings of Voit-Bell Atlantic in order to facilitate usage of the directory number and a respective directory number (DN) for each of said plurality of call destinations because the directory number would provide information on which telephone over the network is used as the call destination. The call destination information would be used for scheduling the communication between the call source and the call destination.

26. Referring to claim 7, Summers-eMeeting and Linden-Nokia disclose the claimed limitations rejected under claim 1. Summers-eMeeting also discloses said request comprises a plurality of numbers (information and numbers of other anticipated caller of the conference, col., 4, lines 57 – 66) and a plurality of time ranges (one or more conferences, col., 2, lines 38 – 39, start date and time, stop date and time, duration, col., 4, lines 58 – 62), one for each number (one or more telephone numbers, col., 4, lines 30-39). However, Summers-eMeeting and Linden-Nokia do not disclose the numbers being directory numbers.

Voit-Bell Atlantic discloses a well-known concept of using a directory numbers (DN) and receiving an incoming call and said web based telephony application instructs said telephony apparatus to redirect said call to said selected one of the plurality of call destinations (usage of destination directory number, col., 7, lines 47 - 59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Summers-eMeeting and Linden-Nokia with the teachings of Voit-Bell Atlantic in order to facilitate usage of the directory numbers and receiving an incoming call and said web based telephony application instructs said telephony apparatus to redirect said call to said selected one of the plurality of call destinations because the directory numbers would provide information which respective telephones over the network are used as the call devices. The call device information would be used for scheduling the conferences.

27. Claims 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Summers-eMeeting in view of Linden-Nokia and in further view of Yiu et al., 2003/0181205, Openwave, (Hereinafter Yiu-Openwave).

28. Referring to claim 10, Summers-eMeeting and Linden-Nokia disclose the claimed limitations rejected under claim 1. Summers-eMeeting also discloses instructing the telephony apparatus (col., 3, lines 49 – 57) to display information at the call source (information about the conference, col., 6, lines 6-12). However, Summers-eMeeting and Linden-Nokia do not disclose displaying a URI at a telephone terminal.

Yiu-Openwave discloses a well-known concept of displaying a URI at a telephone terminal (telephone to display information related to the URI, paragraph 31, page 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Summers-eMeeting and Linden-Nokia with the teachings of Yiu-Openwave in order to facilitate usage of displaying a URI at a telephone terminal because the display at the telephone terminal would provide a user with the information that is provided by the URI. Using the display the user would be able to see the status of the telephone setup that is scheduled between the call source and the call destination.

29. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Summers-eMeeting in view of Linden-Nokia and further in view of Low et al., 6,798,771, Hewlett Packard (Hereinafter Low-Hewlett).

30. Referring to claim 20, Summers-eMeeting and Linden-Nokia disclose the claimed limitations rejected under claim 19. Summers-eMeeting also discloses arranging requests which comprise time information (scheduling conferences based on start date and time, stop date and time, duration, of the request, col., 4, lines 58 – 62). However, Summers-eMeeting and Linden-Nokia do not disclose a parser arranged to parse URIs.

Low-Hewlett discloses a well-known concept of a parser arranged to parse URIs (telephone to display information related to the URI, col., 33, lines 3 – 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Summers-eMeeting and Linden-Nokia with the teachings of Low-Hewlett in order to facilitate usage of a parser arranged to parse URIs because the parse

would enhance parsing and/or separating the URIs. Based on the information contained in the URIs, the parse would be able to parse and/or separate the requests and/or URIs for scheduling the conferences. The parsing would help prioritize among the conferences.

Response to Arguments

31. Please refer to the response to the arguments of the office action dated 7/23/2008 and 1/28/2008.

32. Further, the office action dated 7/23/2008 clearly indicated that the claims 8 and 28 are allowable but objected to, prior to the new claims 29 and 30 that are presented on 10/23/2008.

33. The statements dated 10/23/2008, New claims 29 and 30 have been added. New claim 29 comprises a combination of claims 1 and 8 as previously presented and new claim 30 comprises a combination of claims 11 and 28 as previously presented.” etc., are noted. However, new claims 29 and 30 were neither proposed nor necessary in response to the office action dated 7/23/2008.

34. The presented new claims being duplicate claims, in fact complicates the prosecution of the case. Since claims 8 and 28 were presented earlier and were indicated to be allowable, the claims 29 and 30 are further objected based on MPEP ¶ 7.05.06 Duplicate Claims, Objection: Claims 29 and 30 are objected under 37 CFR 1.75 as being a substantial duplicate of claims 8 and 28. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Since the claims 29 and 30 are presented after the claims 8 and 28, the claims need to be cancelled in response to this office action.

The applicant's remarks dated 10/23/2008 are noted and in order to expedite the prosecution, this office action is made non-final over the office action dated 7/23/2008.

Conclusion

Please refer to the attached PTO form 892 arts that contain further arts that are pertinent and not used for the rejections to simplify the prosecution.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Haresh N. Patel/

PRIMARY EXAMINER

January 2, 2009